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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,499	12/04/2000	Nobuo Takahashi	11-347419US	3914
30743	7590	10/10/2003		
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190				
			EXAMINER BALI, VIKKRAM	
			ART UNIT 2623	PAPER NUMBER 3
DATE MAILED: 10/10/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,499

Applicant(s)

TAKAHASHI, NOBUO

Examiner

Vikkram Bali

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

1. Applicant is advised that should claim 15 be found allowable, claim 16 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Toyoda et al (US 5999637).

With respect to claim 1, Toyoda discloses the individual identification system using the fingerprint apparatus and method in that a fingerprint sensor reads the fingerprint (see figure 1, numerical 50), analyzer analyzes the fingerprint for the quality of the fingerprint and results in a countermeasure if the quality is not good, (see figure 1

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numerical 8 CPU and col. 7, lines 5-12 and 15-21) and a result display (see figure 1 numerical 6 Display) as claimed.

With respect to claim 2, he further disclose the quality evaluation performing the image quality and the display for driving the evaluation result display based on the result, (see col. 7, lines 5-12 for the check in the image of the fingerprint and col. 7, lines 15-21 for the display to display the corresponding instructions) as claimed.

With respect to claim 3, he further discloses the light source and the image pickup device, (see figure 1, numerical 2a, 2b as the light source and the numerical 4 CCD camera as the image pickup device) as claimed.

With respect to claim 4, he further discloses the quality evaluation is based on the density of the fingerprint image, (see col. 7, lines 9-11 the judgment is made for the fingerprints) as claimed.

With respect to claim 6, he further discloses the display includes a display panel (see figure 1 numerical 6 Display) as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda in view of Setlak et al (5828773).

With respect to claims 5 and 7, Toyoda discloses the invention substantially as disclosed and as described above for claim 2. However, he fails to disclose the light emitting elements and acoustic device as the evaluation result display means, as claimed. Setlak in fingerprint sensing method and position indication teaches the light emitting elements and acoustic device as the evaluation result display means, (see figure 25 and 26) as claimed. It would have been obvious to one ordinary skilled in the art at the time of invention to combine the two references as they are analogous because they are solving similar problem of fingerprint sensing. The display of the Toyoda (figure 1 numerical 6) can be replaced by LED's or acoustic indicators of the Setlak, the motivation is simply using some other known indicators as known in the art of annunciations.

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Claims 8-12 are rejected for the same reasons as set forth in the rejection of claims 3-7 because they are claiming similar subject matter as claims 3-7.

Claims 13-15 are rejected for the same reasons as set forth in the rejection of claims 4-7 because they are claiming similar subject matter as claims 4-7.

Claims 17-19 are rejected for the same reasons as set forth in the rejection of claims 5-7 because they are claiming similar subject matter as claims 5-7.

Claim 20 is rejected for the same reasons as set forth in the rejection of claim 1 because claim 20 is claiming similar subject matter as claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

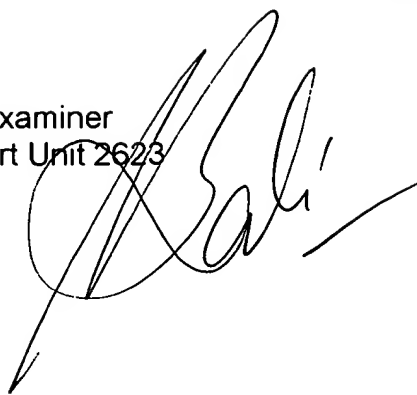
Vikkram Bali

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Examiner
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A handwritten signature in black ink, appearing to be "Bali", written over the printed text "Examiner Art Unit 2623". The signature is stylized with a large loop and a long horizontal stroke.

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